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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,968	03/31/2005	Christoph Weis	105433.62118US	6272

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EXAMINER	
CERNOCH, STEVEN MICHAEL	
ART UNIT	PAPER NUMBER
3752	
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11/12/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/529,968	WEIS ET AL.	
	Examiner	Art Unit	
	STEVEN M. CERNOCH	3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 September 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15,16,18-23,25 and 27-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15,16,18-23,25 and 27-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 March 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 15, 16, 18-23, 25 and 27-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aghnides et al. (US Pat No 4,534,514) in view of Griffin et al. (US Pub No 2002/0084353).

Regarding claims 15, 41 & 42, Aghnides et al. teaches a sanitary outflow armature (Fig. 2, 208) comprising a liquid guide that opens into a fitting outlet (200); an insertion cartridge (214) arranged in the fitting outlet, wherein an inner diameter of the liquid guide is adapted to the insertion cartridge at least in an opening area of the fitting outlet, an intermediate holder that holds the insertion cartridge in a single fixed position; wherein the intermediate holder comprises a contoured end face tool engagement portion (col 10, lines 44-48).

Aghnides et al. does not teach the intermediate holder being a hollow, cylindrical sleeve or that it includes an annular groove holding an annular seal that provides a seal in the radial direction between the intermediate holder and an inner periphery of the fitting outlet.

However, Griffin et al. does teach a hollow, cylindrical sleeve-shaped intermediate holder (Fig. 2, 34).

While Richter et al. teaches an annular groove (Fig. 1, 13) holding an annular seal (17) that provides a seal in the radial direction between the intermediate holder (12) and an inner periphery of the fitting outlet (11).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have the motivation to modify the aerator of Aghnides et al. with the sleeve holder of Griffin et al. to enclose the aerator elements (paragraph 0029) and the annular seal of Richter et al. to maintain the housing sections free of relative longitudinal movement while allowing relative rotational movement (col. 2, lines 59-66).

With regard to claim 16, Aghnides et al. teaches wherein the insertion cartridge (Fig. 2, 214) is situated with the longitudinal extension thereof completely in the fitting outlet so that only an outflow end surface is directly visible (column 5, line 45).

Regarding claim 18, Aghnides et al. teaches wherein the intermediate holder that can be placed into the fitting outlet from the opening side is held removably or non-removably in the fitting outlet (column 5, lines 39-40).

Aghnides et al. does not teach a hollow, cylindrical sleeve-shaped intermediate holder.

However, Griffin et al. does teach a hollow, cylindrical sleeve-shaped intermediate holder (Fig. 2, 34).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have the motivation to modify the aerator of Aghnides et al. with the sleeve holder of Griffin et al. to enclose the aerator elements (paragraph 0029)

With regard to claim 19, Aghnides et al. teaches wherein the insertion cartridge or intermediate holder can be inserted into the fitting outlet up to an insertion stop (Fig. 2, 216).

In regards to claim 20, Aghnides et al. teaches wherein the intermediate holder is held in the fitting outlet by at least one of a glued, clamped, locking, and screw connection, and/or by at least one of pressing, clutching, and wedging (column 5, lines 39-40).

Regarding claim 21, Aghnides et al. teaches wherein the intermediate holder is sealed peripherally against an inner peripheral wall of the fitting outlet (Fig. 2, 218).

With regard to claim 22, Aghnides et al. teaches wherein the insertion cartridge (Fig. 2, 214) is held in the intermediate holder by a clamped, locking, or screw connection (250).

Aghnides et al. does not teach a hollow, cylindrical sleeve-shaped intermediate holder.

However, Griffin et al. does teach a hollow, cylindrical sleeve-shaped intermediate holder (Fig. 2, 34).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have the motivation to modify the aerator of Aghnides et al. with the sleeve holder of Griffin et al. to enclose the aerator elements (paragraph 0029)

In regards to claim 23, Aghnides et al. teaches wherein the insertion cartridge (Fig. 2, 214) is sealed against (248) the intermediate holder which is in turn sealed against an inner peripheral wall of the fitting outlet (218).

Aghnides et al. does not teach a hollow, cylindrical sleeve-shaped intermediate holder.

However, Griffin et al. does teach a hollow, cylindrical sleeve-shaped intermediate holder (Fig. 2, 34).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have the motivation to modify the aerator of Aghnides et al. with the sleeve holder of Griffin et al. to enclose the aerator elements (paragraph 0029)

With regard to claim 25, Aghnides et al. teaches wherein the intermediate holder has an outer thread that can be screwed into an inner thread in the fitting outlet (column 5, lines 39-40), and the outer thread and the inner thread are dimensioned and situated such that when the intermediate holder is screwed into the fitting outlet, the threads initially engage one another in a relative position of the Sanitary outflow armature on the one hand and the intermediate holder on the other hand in which the annular seal (218) provided on an outer periphery of the intermediate holder does not yet make frictional contact with the Sanitary outflow armature.

Aghnides et al. does not teach a hollow, cylindrical sleeve-shaped intermediate holder.

However, Griffin et al. does teach a hollow, cylindrical sleeve-shaped intermediate holder (Fig. 2, 34).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have the motivation to modify the aerator of Aghnides et al. with the sleeve holder of Griffin et al. to enclose the aerator elements (paragraph 0029)

Regarding claim 27, Aghnides et al. teaches wherein the cartridge housing of the intermediate holder has a contoured outer periphery and/or a contoured outflow end surface, constructed as a tool engagement surface for an insertion tool (column 10, lines 44-58).

With regard to claim 28, Aghnides et al. teaches wherein the outflow end surface of the cartridge housing of the intermediate holder has a contouring made up of projections and recesses (Fig. 2, 242, 250), such that the recesses of the insertion cartridge held in the intermediate holder act as a tool engagement surface for the projections of another cartridge housing that can be used as an insertion tool, and/or of another intermediate holder (column 10, lines 44-58).

In regards to claim 29, Aghnides et al. teaches wherein the insertion cartridge (Fig. 2, 214) and the intermediate holder are connected in one piece with at least one seal (248) that forms a seal between the insertion cartridge and the intermediate holder on the one hand and the Sanitary outflow armature on the other hand (Fig. 7, 524).

Aghnides et al. does not teach a hollow, cylindrical sleeve-shaped intermediate holder.

However, Griffin et al. does teach a hollow, cylindrical sleeve-shaped intermediate holder (Fig. 2, 34).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have the motivation to modify the aerator of Aghnides et al. with the sleeve holder of Griffin et al. to enclose the aerator elements (paragraph 0029)

Regarding claim 30, Aghnides et al. teaches wherein the seal (Fig. 2, 248), and the component of the insertion cartridge (214) and the intermediate holder connected in one piece with the seal, are made of the same material, at which point, the art of record does not indicate to the contrary therefore examiner concludes they are the same material.

Aghnides et al. does not teach a hollow, cylindrical sleeve-shaped intermediate holder.

However, Griffin et al. does teach a hollow, cylindrical sleeve-shaped intermediate holder (Fig. 2, 34).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have the motivation to modify the aerator of Aghnides et al. with the sleeve holder of Griffin et al. to enclose the aerator elements (paragraph 0029)

With regard to claim 31, Aghnides et al. teaches wherein at least one of the outflow-side final edge area of the insertion cartridge and of the intermediate holder is fashioned as a sealing profile (Fig. 5, 522 & 546).

Aghnides et al. does not teach a hollow, cylindrical sleeve-shaped intermediate holder.

However, Griffin et al. does teach a hollow, cylindrical sleeve-shaped intermediate holder (Fig. 2, 34).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have the motivation to modify the aerator of Aghnides et al. with the sleeve holder of Griffin et al. to enclose the aerator elements (paragraph 0029)

In regards to claim 32, Aghnides et al. teaches wherein the sealing profile has at least one surface seal (Fig. 5, 510) and at least one lip seal (Fig. 5, 524).

Regarding claim 33, Aghnides et al. teaches wherein the insertion cartridge and/or the intermediate holder has at a flow inlet side an insertion stop (Fig, 2, 216) that in its position of use limits a deformation of the sealing profile (218).

With regard to claim 34, Aghnides et al. teaches wherein the sealing profile has at least one seal having a sealing profile base that is formed as an insertion stop (Fig. 2, 216).

In regards to claim 35, Aghnides et al. teaches wherein the insertion stop (Fig. 2, 216) is situated adjacent to the sealing profile in a radial direction (218).

Regarding claim 36, Aghnides et al. teaches wherein at least one of the sealing profile (Fig. 2, 218) and the insertion stop (216) work together with a counterstop (220) on an inner periphery of the Sanitary outflow armature that limits the inner diameter of the liquid guide.

With regard to claim 37, Aghnides et al. teaches wherein the sealing profile has at least one annular peripheral sealing lip (Fig. 8, 632).

In regards to claim 38, Aghnides et al. teaches wherein the sealing profile has at least two annular peripheral sealing lips that become effective one after the other with increasing insertion pressure that acts on the insertion cartridge and/or on the intermediate holder (Fig. 11, 706 & 707).

Regarding claim 39, Aghnides et al. teaches wherein the sealing lips have different heights (Fig. 11, 706 & 707).

With regard to claim 40, Aghnides et al. teaches wherein the sealing lips have stepped heights (Fig. 11, 706 & 707).

Response to Arguments

Applicant's arguments with respect to claim 15, 16, 18-23, 25 and 27-42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN M. CERNOCH whose telephone number is (571)270-3540. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571)272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. M. C./
Examiner, Art Unit 3752
11/5/2010

/Len Tran/
Supervisory Patent Examiner, Art Unit 3752